S.B.Civil Writ Petition No.5375/2004
Gordhan Lal
vs
Asha Ram & Ors.

DATE OF ORDER : - 13.12.2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. S.N.Purohit for Mr. Suresh Srimali, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 17th Sept., 2004 by which the petitioner's objection against the admitting a document in evidence was rejected by the trial court.

According to learned counsel for the petitioner, the non-petitioner-landlord in his plaint merely stated that they decided to keep the property in dispute in the share of plaintiff's son Devkishan Soni, but they have not given full particulars how it was done and, therefore, the document, which was produced by the plaintiff as memorandum of family settlement should not have been permitted to be admitted in evidence by the trial court.

I considered the submissions of learned counsel for the petitioner. In para no.7 of the plaint, the plaintiff mentioned that they

decided to keep the property in dispute in the share of the plaintiff's son Devkishan Soni. If there are no detail particulars given in the plaint and the petitioner-tenant had any objection, he could have sought further and better particulars from the plaintiff, but he has not done so. However, since it is a matter relating to the objection about the admissibility of the document, I do not find that the court below has committed any illegality in the facts of this case.

Therefore, I do not find any merit in the writ petition. Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-